THEODORE B. STARR

Diamond Merchant.

Jeweler and Silversmith,

MADISON SQUARE WEST

Between 25th and 26th Streets.

Established 1862.

25 years as above.

Wedding and Reception Invitations.

Monograms for Note Paper

to place orders for Station-

ery and general Engraving.

No connection with any other

house in this line of business.

DRIGGS INDICTMENTS FAIL.

THREE OF THEM DISMISSED, BUT

THREE REMAIN.

He Had Been Elected to Congress, bu

Goes Free of the Whole Business

Three of the six indictments against ex-

ongressman Edmund H. Driggs, which

were dismissed yesterday by Judge Thomas

in the United States Circuit Court in Brook-

lyn upon the motion of United States Dis-

trict Attorney Youngs, who conceded that

but before December 1809, when Driggs

TEN NEW SERGEANTS.

Greene Will Let His Successor Name a Dozen Matrons.

ten roundsmen to the rank of sergeant

yesterday. This fills all vacancies in that

grade. The list of captains is now com-

plete and the only places for the incoming

administration to fill are twelve matron-

ships. Gen. Greene said yesterday that he would let his successor name them.

The ten new sergeants are:

The ten new sergeants are:
John Pepper of the East Eighty-eighth
street police station, William Stranahan of
the Leonard street police station, Bernard
Clark of the Fulton street police station,
Brooklyn; Lawrence O'Brien of the West 152d
street police station; Patrick O'Nell, of the
Union Market police station, Louis M. Frank
of the Delancey street police station, John
Appel of the Bureau of Information, Police
Headquarters; Thomas Kelly of the Madison
street police station, Cornelius W. Casey of
the East 104th street police station, James
Hearn of the House of Detention.

GOOD GOVERNMENT FORGER.

Grand Jury Pleads for Him and Employer

Joins In-Sentence Suspended.

The Grand Jury took the unusual course

vesterday of sending through Assistant

District Attorney Perkins a recommenda-

tion of clemency in the case of C. H. Dit-

mar, who was up before Judge McMahon

in General Sessions for forgery in the second

degree. Ditmar acknowledged forging a check in the name of Frederick Crownin-shield, an artist, of 42 West Eighteenth

eral patriotic societies.

Judge McMahon suspended sentence.

Bookkeeping at Euchres.

in Bayonne was introduced on Thursday

book, and the result of each game is recorded,

Fatal Collision on the Ice.

at his home of injuries he received while

Police Commissioner

#### Leaders in New York's Retail Trade Back Up "The Sun's" Plan for an Amendment to the Charter-Ordinary Trade Waste, Not Involved in the Question.

THE Stars suggestion that an effort be made at the coming session of the Legislatur. to secure relief for those of New York's no chams who are discriminated against under the existing laws in the matter of the removal of refuse from their establishments has met with warm indersement. Business men realize that only an amend-ment to the present law, which will make it mandatory on the Street, Cleaning Commissioner to remove ashes and garbage from dwellings and stores alike, instead of leaving it within his discretion as to the removal of refuse, will give them adequate trefief. Under the recent ruling of the courts it is evident that even if the Commissioner had a sufficient appropriation he still might decline to remove such matter from stores.

Clarence L. Graff, secretary of the Retail Drygoods Association, stated the wishes of the big department stores yesterday in the following words:

"The merchants would welcome an amendment to the Charter, which seems to be the only solution of the difficulty. The Charter is Acosely worded in the section defining the duties of the Street Cleaning Commissioner, as it leaves entirely to his discretion the spending of his large ap-propriation. He is not compelled ' render any specific service, He might say that his appropriation was running low and that he would remove ashes and garbage only from the north and not from the south side of the street in a residential district-clearly

The Charter should be so amended as to make it mandatory upon the Commissioner to remove ashes and garbage from the premises of every taxpayer, without discrimination, and in this view the Commissioner himself concurs, as expressed both to the president of this association and to myself.

"In fact, an amendment such as is proposed was incorporated in a street cleaning bill before the Legislature at the last session, which bill received the full approval of his Honor the Mayor.

"The department stores produce a smaller quantity of waste than would apartment houses covering the same area, so that it was never a question of taking away any inordinate amount of material or of removing trade waste. The trade waste of a department store is sold to advantage, and the question is only one of ashes and

garbage.
This question has been somewhat ob-"This question has been somewhat obscured, as trade waste has been confused with ashes and garbage in some previous discussions. The trade waste of a department store consists of wrapping paper and packings, which are sold in bales.

"All that we ask to have removed is the ashes and garbage—the same as accumulate in any apariment house or dwelling. Husiness men pay the larger proportion."

sidor Straus of R. H. Macy & Co. said: "It is very difficult for a layman to under-stand the technicalities of the law by which a court can discriminate between one tax-payer and another. If a learned Judge has so decided, we must conclude that it is correct, but we fail to understand by what right a Commissioner of Street Cleaning can refuse to remove ashes from a large ported on the next Hamburg-American nent, as THE SUN claims he can even if his appropriation should be sufficient to enable him to do so.

"The question never arose before, because

when the ship arrived, and while he was to Mr. Woodbury removed the ashes. The very parties thus discriminated against are among the largest taxpayers. Part of the taxes collected from them is to cover the appropriation for removing ashes, and yet the Street Cleaning Commissioner holds that when it was decided that he might land, he refused to board the ferry-that the court has when it was decided that he might land, he refused to board the ferry-that the court has when it was decided that he might land, he refused to board the ferry-that the court has when it was decided that he might land, he refused to board the ferry-that the court has when it was decided that when it was decided that he might land, he refused to board the ferry-that the court has a while he was well as well as well as a way and while he was well as well as a way and while he was well as well as a way and while he was well as well as a way and while he was well as well as a way and while he was well as well as a way and while he was well as well as a way and was a way and well as a way a that the court has upheld him in the con-tention that he can discriminate against these taxpayers. Therefore, we are taxed to remove ashes throughout the city and yet have to pay in addition to remove our "THE SUN is perfectly correct in its posi-

tion that the law should be made mandatory and not leave such a matter discretionary with any official."

Discussing the decision sustaining Commissioner Woodbury, E. W. Bloomingdale of Bloomingdale Bros. said that the court seemed to make a distinction between the seemed to make a distinction between the ashes and garbage of a large store and those of a small one. Where then, he asked, was the line to be drawn. How large must a store be to miss having its refuse matter removed and how small would it have to be removed and how small would it have to be to get within the removal class? The un-reasonableness of the existing law, said Mr. Bloomingdale, was shown by applying the same argument to other city depart-

Suppose," he continued, "that the Fire Commissioner should say that he wouldn't be able to man the fire houses north of Fifty-ninth street or the Police Commisritty-nimen street or the Police Commissioner were to cannounce that he couldn't police the city beyond the Harlem River. How manifestly about that would be.

"It seemanto me that as taxpayers we are entitled to all the benefits from the municipality to which we contribute. The mere fact that we have money to nay for re-

fact that we have money to pay for removing our ashes and garbage should not imposeft upon us as a duty.

"Like many other statutes, there is just that uncertainty in the law that makes it doubtful whether the Commissioner must remove the refuse or not. The law therefore should be amended at once to make it. obligatory on the department to remove

So far as the present law is concerned, "So far as the present law is concerned, the decision of the court seems to determine that the Commissioner is within his rights in using a discretion as to what he shall remove and from where. There are but two courses left to us. One is by going to what has been called the 'Court of Last Conjecture' and the other by going to the Legislature for relief. This relief should be granted not as a fayor but as a right." be granted not as a favor but as a right."

Mr. Bloomingdale said that under the present law, if followed to its logical sequence, the Commissioner, in the event of the department's seew capacity being reached, might compel the large merchants to hire their own turn and seews and take

to hire their own tugs and scows and take their refuse to sea.

E. J. icreenhut of the Siegel Cooper Company said: "Possibly it is not for me to criticise the ruling of the court, but certainly in equity it does not seem that the decision was just right. It is a great hardship to an establishment like ours to be obliged to remove this refuse matter. We haven't the facilities for having it removed and we find very few private concerns who will undertake to handle it.

"Moreover it puts us to considerable exto hire their own tugs and scows and take

"Moreover it puts us to considerable ex-nse. When the thousands of dollars pense. When the thousands of dollars we pay to the city every year are taken into consideration it seems as if we ought to have something more than police and fire protection. If the law as it stands gives the Commissioner power to do as he pleases it is a very poor law and certainly ought to be changed.

TF you're hungry, almost anything to eat tastes good. fyou're not-nothing does

GOLD LION Cocktails make you hungry. GOLD LION Cocktails (ready to ice) never vary GOLD LION Cocktails—Seven kinds—Manhattan, Vermouth, Whiskey, Martini, Tom Gin, Dry Gin—and the American Of good wine merchants . The Cook & Bernheimer Co.

Company declared there was no more reason why the city should refuse to remove ashes and garbage from the department stores than from dwellings that might occupy the same territory. He added:

"The only recourse we have seems to be to go to the Legislature. The law certainly should be appended and quickly." tamly should be amended, and quickly."

John R. Butler of the Simpson-Crawford
Company, said the Street Cleaning Department should be compelled to remove the refuse from the stores. He continued:
"Every one, I think, will admit the justice

"Every one, I think, will admit the justice of the position taken by the stores. For instance, if we have two buildings adjoining which are used as dwellings, ashes and garbage are taken from them without any question. But the moment we take them for business purposes we are put to an expense of several hundred dollars yearly to remove the débris from them.

"I believe the present law is uncon-"I believe the present law is unconstitutional, but we want to accept the remedy that we can get the quickest, and that seems to be by amending the charter."

Mr. Friedsam of B. Altman & Co. said: "THE SUN has the right idea exactly. law should be amended without delay."

#### WHIPPED STEPSON; ARRESTED. Dr. Marshall's Wife Complains-Didn't Abuse the Child, He Explains.

Dr. David J. Marshall of 33 West Twelfth street was arraigned before Magistrate Baker in the Jefferson Market police court vesterday on the charge of beating his six-year-old stepson. The technical charge was assault, but in the body of the complaint it was specified that he struck the hov with a hammer so as to leave marks and abrasions.

Special Officer William F. Fogarty of the Society for the Prevention of Cruelty to Children made the arrest and appeared as complainant, but Marguerite Marshall, the mother of the boy, was a witness. The boy's name is Percival Alexander.

When the complaint was read to Dr. Marshall he said: Marshall he said:

"I am guilty of the charge as made."
He explained, however, that he had struck the boy only with the thin handle of a tack hammer, which was produced in evidence. Magistrate Baker held the prisoner in \$500 bail for Special Sessions.

Dr. Marshall is a brother of Miss Caroline L. Marshall who is a teacher in the Misses.

L. Marshall, who is a teacher in the Misses Ely's school of Riverside Drive, and of John T. Marshall, who is superintendent of the Edison electrical works at Harrison, N. J. He took the affair very philosophically.

"He is simply terrible," said Mrs. Marshall to the Gerry agent, "and his sister is just as bad. She says she doesn't see why her brother should be bothered, and he beat

ashes and garbage—the same as accumulate in any apartment house or dwelling. Business men pay the larger proportion of the taxes, and if the city is performing a municipal function it is evident that it should be performed to all taxpayers alike. It is inconceivable that the Legislature should wish to create a condition by which an administrative officer of a city should be in a position of conferring a favor upon some of its citizens in the spending of his appropriation. Yet that is exactly the condition at present.

"The Commissioner's action in cutting off the service from large business buildings was evidently suggested by his desire to place the burden where in his opinion it could best be borne, but because a business man will pay the expense of removal rather than permit his scheet to encumber the streets is no reason why he should be compelled to do go, when it is clearly one of the expenses of a city for which taxes are levied. It is clear the Charter should be amended."

He samply territor, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and he beat my child. She says she doesn't see why her brother should be bothered, and he beat my child. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and his sister is just as bad. She says she doesn't see why her brother should be bothered, and he beat my child. She says she d

# AWAY GOES JAN TOLGNAR.

liner, according to a ruling received yesterday by Immigration Commissioner Williams.

Tolgnar was detained for examination when the ship arrived, and while he was boat and no persuation could make him

do so.

His objections to leaving the island caused Commissioner Williams to report the case to Washington. It has been decided that Jan is likely to become a public charge, and that he can't come into this country now, even if he wants to. The officials at Ellis Island will be glad

## DIED WHILE INSPECTING A SHIP.

Government Weigher Wilbur W. Capron Stricken on a Steamer's Deck.

Wilbur W. Capron, a Government-weigher who was stationed for many years at the Havemeyer refineries of the American Sugar Refining Company, at the foot of South Second street, Williamsburg, died vesterday on the deck of the French steamer yesterday on the deck of the French steamer Molide Mantes, moored at that pier.

He was 65 years old and he had come from Wayland, Steuben county, N. Y. He apparently was in good health and was on the steamer for inspection purposes when he was taken ill. An ambulance from the Eastern District Hospital was summoned, but before it arrived Capron was dead. The body was taken to the Bedford avenue police station and later to an undertaker's. police station and later to an undertaker's. Capron had arranged to spend Christmas at his old home in Wayland.

### MUST BID FOR MOTHER'S ESTATE. Daughters to Vie With Each Other for

Mrs. Bermes's Property. The will of Mrs. Dorothea Bermes, widow of Daniel Bermes, the Union Hill brewer, was admitted to probate vesterday in Surrogate Lillis's office in Jersey City. She named her daughters, Amelia K. Schim-She named her daughters, Amelia K. Schimper, Babetha Bermes and Lena D. Sauer, and Charles F. Ruh as executors and provided that one year and a day from the date of her death her entire estate should be divided into parcels by the executors and sold at private auction. No one but the daughter will be allowed to bid. The unsold parcels will be disposed of three months later at public auction.

She bequeathed \$10,000 to sch of several grandchildren. The estate is said to be worth nearly \$1,000,000.

## OVERBOARD IN THE COLD.

sallorman From the Cox & Green Rescued by a Revenue Cutter.

Charles Johnson, a sailor on the schooner Cox & Green, dropped off his craft in a small boat near the Battery yesterday afternoon and started to row ashore. He got all' tangled up in cross currents and chop seas before he had gone far, and a particularly big swell overturned his boat and spilled

him out.

He hung on to the dory and yelled, and
the revenue cutter Manhattan, which was
the revenue cutter Manhattan, which was ne Commissioner power to do as he pleases is a very poor law and certainly ought be changed."

Samuel Adams of the Adams Dry Goods

near by, steamed over. Her crew pulled Johnson aboard. The cutter fished out his rowboat and then chased up the schooner and put Johnson aboard her.

## STATE SENATOR GREEN HELD.

ALL FIVE POSTAL FRAUD INDICT-MENTS HELD VALID.

Commissioner Hall Fixes Ball at \$20,000. Green to Be in Custody of the Deputy Marshal Until Ball Is Furnished by Citizens of the District of Columbia.

BINGHAMTON, Dec. 18.-State Senator George E. Green was held by United States Commissioner Charles S. Hall to-day for trial on all the five indictments which were found against him in September and October last By the United States Grand Jury at Washington for bribery and conspiracy in the postal frauds.

Senator Green was delivered into the custody of United States Deputy Marshal S. Foster Black, and together with his attorneys, Theodore R. Tuthill of this city and Frederick Collin of Elmira, and his bondsmen, George F. O'Neil and Jonas M. Kilmer of this city, went before United States District Judge George W. Ray at Norwich this afternoon. United States District Attorney George S. Curtiss there made formal application for a warrant of removal of the case to the District of Columbia. Arguments for and against this removal will be heard later.

Commissioner Hall fixed Green's bail a \$4,000 in each of the five cases, he to be in the custody of the deputy marshal until the bail is furnished by citizens of the District of Columbia.

Green's attorneys refused to give the bail required, and the party went to Norwich with Senator Green, technically in the custody of Deputy Marshal Black. It is understood that questions of jurisdiction of the trial court, of the constitution of the Grand Jury, of the validity of the indictments and of the sufficiency of the evidence to convict are to be raised at the proper time.

Judge Ray will be asked to grant the defence a writ of habeas corpus, which will probably be granted, and also a writ of certiorari, which will bring the whole matter before him for argument and review. Argument will be made hereafter, and should his decision be unfavorable to Green, appeal will be taken until a favorable deision is had or the court of last resort

has been applied to.

Commissioner Hall filed a long memorandum reviewing the evidence in the three International Time Recorder cases, in which Green and George W. Beavers, former superintendent of the division of salaries and allowances in the Post Office Department, are joint defendants. The salaries and allowances in the Fost Office Department, are joint defendants. The commissioner recites the payment to Green by the company of a 10 per cent. commission on sales of its time recorders to the commission of sales of its time recorders. commission on sales of its time recorders to the Government; the transfer of such commission by Green to Beavers, and the deposit of Green's checks by Beavers to his own account in the Nassau Trust Com-pany of Brooklyn. He says:

pany of Brooklyn. He says:

It is obvious that this concurrence in the amounts of the checks received by Green with the amounts of the checks given by him to Beavers could not have happened in so many instances had there not been an agreement that Beavers should have the commissions, as charged in the complaints. The laws of the United States and the regulations of the Postal Department require that the superintendent of the salaries and allowances division give the Government all the benefit of all commissions, discounts and deductions he may be able to obtain. Hence, when Green and Beavers, by a secret agreebenefit of all commissions, discounts and deductions he may be able to obtain. Hence, when Green and Beavers, by a secret agreement, arranged that Beavers should receive and retain for his own private use and benefit a commission of 10 per cent. on all his sales of time recorders to the Department, instead of turning the same over to the Government, whose property it was, as was his sworn duty, it is evident that they conspired to violate the law and defraud the United States as charged, and money paid to Beavers under such circumstances could have been paid with no other intent on the part of Green than unlawfully and by bribery to induce favorable sction on the part of Beavers in the purchase of these recorders.

At first thought it may seem that the Government was not defrauded in its purchase of time recorders, inasmuch as the price to the Government was, on its face, the same as to every one else; but a moment's reflection will make it plain that it was not the same by the discount of 10 per cent. of which the Government was defrauded: for had Beavers done his duty and covered this amount into the Treasury, the cost to the Department of each recorder would have been \$90 instead of \$100.

These inferences are so fully sustained and fortified by the oral and documentary evidence introduced by the Government that there can be no question as to what should

there can be no question as to what should be the finding in the three time recorder cases.

The evidence in the Doremus stamp cancelling cases is not quite so full and complete. This is accounted for by the unexpected disappearance of Herbert J. Truesdell and Ida Crowell, said to have been important witnesses before the Grand Jury, and by the fact that Manager Fish of the Doremus company suffered so severely last winter on account of the scarcity of coal that he was obliged, as he testifies, to burn all the old books and papers of his company to keep himself warm, regardless of their possible value as evidence, and that his fondness for neat looking account books led him to tear out and destroy a number of

to keep himself warm, regardless of their possible value as evidence, and that his fondness for neat looking account books led him to tear out and destroy a number of scratched stubs from the company's check books, which should have shown in whose favor checks had been drawn.

It is proper to say here that there is not the least suggestion in the evidence in any of these cases that the defendant, George E. Green, ever benefited personally from these transactions, beyond the additional profit from the increased sale accruing to him in common with the other stockholders of these two companies.

The only questions to be determined by the Commissioner from the testimony given in this examination are:

1. Whether it appears from the evidence that the laws of the United States have been violated as charged in the complaints.

2. Whether there is probable cause shown to believe the defendant, George E. Green, guilty of the offences alleged.

3. As is well understood, other questions may subsequently beraised, such as the jurisdiction of the trial court, the constitution of the Grand Jury, the validity of the indictment and the sufficiency of the evidence to convict, the determination of which may materially affect the final result.

Having carefully reviewed the evidence in all these cases. I have been unable to reach any other conclusion than that in each and every of these five cases the laws of the United States, in particular Sections 5440 and 5441 of the Revised Statutes, have been violated and at the time and place charged in the complaints, and that there is probable cause to believe the defendant, George E. Green, guilty of the offences alleged. Wherefore the following order in substance has been made in each of these five cases:

It appearing to me, the Commissioner, from the oral and documentary evidence produced upon the examination, that the isaw of the United States have been violated as charged in the complaint, and that there is probable cause to believe the defendant, George E. Green, guilty of the all

District of Columbia for trial.

District Judge George W. Ray this afternoon granted a writ of habeas corpus, on application of Frederick Collin, attorney for Senator Green, and George F. O'Neil, Democratic leader in Broome county, signed the bail bond for \$20,000. Judge Ray also granted a writ of certiorari, which brings all the proceedings before him for review, and it was agreed that the argument shall be heard before him at Albany on Tuesday, Feb. 9. The granting of these writs acts as a stay to the removal of the case to the District of Columbia until Judge Ray has passed on the matter.

Lower Freight Rates on Phosphate. JACKSONVILLE, Fla., Dec. 18 .- The Fer nandina Board of Trade has secured lower freight rates on phosphate from Florida railroads. The Railroad Commission has issued an order that railroads may not charge over one cent a ton a mile. Where a shipment passes over two or more railroads in reaching its destination the initial line may charge one and one-half cents a ton a mile for the first ten miles.

## **NEW BRIDGE ABLAZE TO-NIGHT**

AFTER A FORMAL DAYTIME OPEN-ING CELEBRATION.

Pictures in Fire of Niagara Falls, the Mayor, the Mayor-Elect, Tim Sullivan and McCarren-Booming Guns and a Marine Pageant Parts of the Show

Several hundred workmen were employed yesterday in finishing the decorations of the Williamsburg Bridge, which is to be opened to-day, and in stringing the wires for the 20,000 electric globes which will form

part of the elaborate scheme for the ilumination of the bridge at night. In the daytime, when the opening cere monies take place, the steel work of the

bridge will be for the greater part hidden beneath bunting and flags, while at night, it is promised, the fireworks and electric illumination will easily beat any similar display ever seen in this city. This is the programme which has been

settled upon for to-day's clebration: 11:30 A. M.—Borough President Swanstrom, Commissioner of Public Works Redfield and other city officials leave Borough Hall, Brookiyn, under escort of Troop C. - Mayor Low and Manhattan officials. es-

rted by Seventy-first Regiment, leave City Hall, 12:30 P. M.-The Brooklyn parade starts from Rockaway avenue. 1:45 P. M.—Parade reaches the bridge plaza,

where it will be reviewed by the city officials.

2 P. M.—Head of parade reaches Hanover Club, where it will be greeted with a special demonstra-2 P. M.-Meeting between chicials from both Had Not Qualified at the Time of the boroughs in centre of new bridge.

2:30 P. M.—Speechmaking begins at the grand Alleged Payment of Money-Miller

Just when the fireworks display will begin has not been definitely determined. Commissioner Lindenthal has announced 6:30 P. M. as the hour, but Alderman Holler, chairman of the Committee of Arrangements, said last night that it would take place between 8 and 9:15 P. M. The probability is that Mr. Holler's time schedule will be followed. grew out of the postal frauds investigation,

trict Attorney Youngs, who conceded that no crime had been committed.

The same decision applied also to the three indictments against George F. Miller of the Automatic Cashier Company, who was indicted with Driggs.

On the joint indictments Driggs and Miller were charged with violation of Section 1781 of the Revised Statutes of the United States, which declares it to be a crime for any Member of Congress to accept money for aiding anybody to get a Government contract. This section also makes the payment of money to a Congressman for that purpose a crime. Driggs was accused of taking money for aiding the Automatic Cashier Company to get a contract from the Post Office Department. Miller was accused of paying the money.

When the case was up for argument on demurrers. Abram J. Rose of the firm of ciation will a semble in the East River, north of Seventy-third street. There will When the case was up for argument on demurrers, Abram J. Rose of the firm of Kellogg & Rose, counsel for Miller, argued that Section 1781 did not apply because Driggs was not a Congressman when the alleged agreement between him and Miller was made. Driggs was elected in November 1919 of the Section 1919 o be six divisions in the fleet, under Com-modore Fred B. Dalzell, on the flagship F. B. Dalzell. At the signal, which will be two rockets sent from the flagship, the fleet will form two abreast, every boat decorated with flags and lights, and will proceed in that formation to the bridge, and then will turn with starboard helm was made. Driggs was elected in November, 1898. The agreement was alleged to have been made subsequent to that date and then will turn with starboard helm and head for the foot of Hudson avenue, Brooklyn. At that point two more rockets qualified and was sworn in as a member of the House of Representatives. Lawyer Rose contended that Driggs was not a Congressman, within the meaning of will be fired from the flagship as a signal for the fleet to disband. As each vessel passes under the bridge it will salute either with its whistle or with

Congressman, within the meaning of section 1781, before he qualified and that, therefore, no crime can be charged against him or Miller. United States District Attorney Youngs conceded that point yesterday when he moved for dismissal. rockets. After disbanding, the vessels will drop below the bridge and take positions along the Brooklyn shore to witness the display of freworks. An elaborate set of rules has been issued by Commodore Dalzell to govern the movements of the fleet with a view to avoiding accidents. The fleet will number about 130 vessels. yesterday when he moved for dismissal.

Three other indictments are pending against Driggs under Section 1782, which doesn't provide the loophole that has been found in the section immediately preceding. Section 1782 says that no Senator Representative or officer of Congress after his election and during his continuance in office shall receive money, &c. But Section 1782 does not make the payment of the money a crime, so the three indictments against the ex-Congressman still pending do not cover the case of Miller, who has been cleared of the whole mess by Judge Thomas's decision. GOOD-BYES TO JUSTICE MAYER.

He Presides in Special Sessions and Is Deluged With Praise.

Justice Julius M. Mayer presided in the Court of Special Sessions, yesterday, for the last time before his retirement at the end of the month. When court opened, Presiding Justice McKean begged him to take his seat.

Then Capt. Edmund E. Price started the ball rolling with a little speech on behalf of the lawyers punising the retirements. The response to the questions of her lawyer, Col. James F. Milliken, swyers than Lewis was in her flat on Monday. Court of Special Sessions, yesterday, for the last time before his retirement at the end of the month. When court opened, Presiding Justice McKean begged him

behalf of the lawyers praising the retiring Justice, and was followed by John D. Lindsay, president of the Society for the Prevention of Cruelty to Children. Other speakers were Assistant District Attorney Edward Sandford, Secretary E. Fellows Jenkins, of the Children's Society, Assistant Corporation Counsel Herman Stiefel, Philip Goodhardt and Julius Wasser-

man. Justice Mayer made a little speech of thanks in reply.

He also announced that the resignation of David Willard as probation officer had been accepted, and that J. C. Graveur had been appointed in his place. Patrolman Frank Abbott is to assist in the work.

#### "ELIZA" THE SUPPLANTER. Mrs. Washburn Fears "Unele Tom's Cabin" Heroine Is Stealing Her Husband.

Supreme Court Justice Leventritt beserved decision yesterday on the application of Mrs. Ida Washburn for alimony and counsel fee pending the trial of her suit for a separation from her husband, Leon W. Washburn, the proprietor of several road companies playing "Uncle Tom's Cabin." The Washburns were married in 1888, and lived happily until about a year ago. Mrs. Washburn says that a woman who takes the part of Eliza in one of her husband's companies has supplanted her in his affections, and he is anxious to divorce her so that he may marry the other woman. She alleges that Washburn makes more than \$20,000 a year. Washburn denies his wife's charges, and sets up that she is independently wealthy

and in no need of alimony

shield, an artist, of 42 west Eighteenth street, for \$20.

Mr. Crowninshield sent a note to the Court saying that Ditmar, who is 47 years old, had been employed by him for twenty years and had an excellent record. Ditmar, he said, had done work for good government and belonged to several particitic societies. East New York "Loop" to Go. The Brooklyn Rapid Transit Company announced yesterday that on and after Dec. 28 the famous East New York "loop A new system of keeping a record of the will be abandoned. It is the intention of players who win games at public euchres the company to enclose the big platform and use the station as a transfer point for the Broadway ferry, Lexington avenue and Fulton street routes. For several years the loop was the scene of daily crushes that bordered closely on riots, every train emplying its passengers on the platforms. night. Besides having their cards punched, the players have their names entered in a so the book and cards must correspond at the finish. Complaints have been made at the big euchres that the players cheated. It is alleged that some women even went so far as to carry their own punches. emptying its passengers on the platforms after which they were bundled aboard other after which they were bundled aboard other trains and, bedraggled and disgusted, finally landed at their destinations. After the change goes into effect a through ride to East New York will be given.

Bark Ashore at Montauk Point.

Fifteen-year-old Alonzo Patterson of 122 Nostrand avenue, Brooklyn, died vesterday The bark Cuba went ashore on Thursday ight at Oyster Cove, inside of Montauk skating on Prospect Park Lake on Wednes-day evening. He was run into by another skater and fell backward, his head striking the ice. He did not become ill until Thurs-day. Then a doctor discovered that his Point. She left this city on Thursday for Port Greville, N. S., and her captain mistock Montauk Light for Gull Island. The vessel is lying easily and is in no dan-ger unless the wind shifts to the northeast. It is as crisp and exhilarating as the ideal December morning

# Murray & Lanman's FLORIDA WATER

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Insist on having the Genuine Murray & Lanman's

lewelers and Importers, Have endeavored, in their Christmas display, to make a radical departure from the conventional SOLID GOLD WATCHES

and have produced many highly ornamental watches of exceptional beauty, costing, with chatelaine Pins attached, from \$35.00 to \$150.00. Our regular line of 14-kt. gold Waltham watches have neglected; we are offering ladies' watches from \$18 to \$75, and men's watches from \$28 to \$150. Open evenings until Xmas.

> 52 West 14th Street. (Near Sixth Ave.)

## CHEERFUL MONDAYS WITH KID

M. QUAD'S FRIEND TELLS MORE ABOUT COLLABORATION.

she Wrote His Play, She Says, and He Adopted It-Also the Profits-His Story Is There Weren't Any-Reluctant Humor Quenched With Champagne.

The testimony yesterday in the suit of Marie Aileen Billings, known as Kid, against C. B. Lewis, known in her family circle of two as M. Quad, for breach of a story writing contract, was largely a story of cheerful Mondays made merry with champagne. Kid the actress and Quad the seventy-year-old humorist were both on the witness stand.

She talked of the thousands he had promised her and of the bottles he had bought for her. While he, to offset the impression that such tales might make on the Court, told sadly of the times he had been obliged to borrow carfare from the Kid to get from her flat in Manhattan to his home in Brooklyn.

May 11, 1903, was a Monday. That was the day in which Miss Billings declares

swore than Lewis was in her flat on Monday May 11, and on every subsequent Monday during May, June and July. Her servant, Fanny Phillips, swore to the same thing and recalled details to prove it. "I know he was there on May 11," said the ervant, "because he marked the calendar servant, in the dining room and called me in to see it. He said to me, I want you to see, Fanny, that I've marked the calendar to-

day, because a year from to-day I'm going to give Kid \$25,000 from my copper mines, and I'm going to give her \$25 a week until then." Col. Milliken then called a clerk from a nearby liquor store who produced the store books and swore that the records showed

books and swore that the records showed that "Mr. Billings" had bought a bottle of champagne en Monday, May 11, and on subsequent Mondays. M. Quad had previously admitted that he was known as "Mr. Billings" in the neighborhood of Kid's flat. Miss Billings also testified vesterday about the money which she said she had lent Lewis and which he had not returned. "It was mostly in small amounts," she said, "but once I lent him \$29."

The plaintiff also said that she had written a play called "Tennessee," but that Lewis had copyrighted it under his own name and reaped the financial benefit. M. Quad swore that he wrote the play, but admitted that Miss Billings collaborated.

"She didn't write for the actor Edeson," he continued. "I approved of the plot and advanced her money to help her along he continued. "I approved of the plot and advanced her money to help her along with the understanding that I would be reimbursed if the play was a success. But it wasn't. Kid wrote and wrote on the play until she was played out."
"How about the copper mines?" asked
Col. Milliken in cross-examination.

Col. Milliken in cross-examination.

"The cupper mines," replied the humorist sadly, "were a joke. Kid knew it as well as I did. Why, we used to talk about ourselves as the Copper King and the Copper Queen, and then I'd borrow ten cents from her to get back to Brooklyn."

M. Quad's daughter-in-law, Mrs. Lewis, was one of the humorist's witnesses. She said that the manuscript of the play Tennessee" was all in her father-in-law's handwriting and also that he was not away from his Brooklyn home on Monday, May 11. his Brooklyn home on Monday, May 11.
Justice Bennett reserved decision.

WILL BOND ITS CONDUCTORS. Then They Work't Have to Make Returns

of Fares Each Trip. Secretary Frederick Evans of the Public Service Corporation of New Jersey announced in Jersey City yesterday that all trolley car conductors will be obliged to furnish a bond of \$50 on and after Jan. 1. The practice of compelling conductors to make returns at the terminals at the end of a trip will be discontinued and hereafter they will turn in their fares at the car barns twice a day.

No Present is so gratefully remembered as that which makes for Health and Comfort, Hence the lively Holiday demand for Gaeger shawls,

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Pajamas,

DR. JAEGER'S S. W. S. CO.



NOW A CITY LIBRARY.

Transfer of the Harlem Library Property Accomplished

The formal transfer of the Harlem Library property on 123d street, just east of Lenox avenue, to the New York Public Library was recorded in the Register's office yesterday. The building adjoins the Harlem Club, at the southeast corner of Leuox avenue and 123d street. The upper floors are let for bachelor apartments. The Harlem Library was one of a number of private libraries which formerly received appropriations from the city and which have been incorporated with the New York Public Library since it was decided to dis-continue the subsidies.

# LEMAIRE ET **PARIS**



it is quality that has made the name Lemaire famous. See that this name, spelled L-E-M-A-I-R-E (as above), is on the end and around the eye piece of every Opera and Field Glass you buy; otherwise you will buy worthless imitations. For sale by all responsible dealers.



skull was fractured.

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